



Accessory Second Dwelling Unit Procedural Guide

Version: July 19, 2007

1. General Information

State law (Government Code §65852.2) mandates that second units be allowed in single-family neighborhoods without approval of a conditional use permit or other noticed discretionary action. In order to comply with this State law, the City Of Chula Vista has adopted Municipal Code Section 19.58.022 – Accessory Second Dwelling Units. Section 19.58.022 contains all the criteria for Accessory Second Dwelling Units (ASDU) as self-contained housing units that are secondary to the main residence. The intent of the City in allowing Accessory Second Dwelling Units is to provide for a range of housing types that is affordable to all segments of the community. This procedural guide explains the necessary steps to obtain a building permit for an Accessory Second Dwelling Unit.

Attached to this guide is a glossary of the terms used in Section 19.58.022. Some of the notable requirements of the section are:

- Accessory Second Dwelling Unit can have a maximum size of 650 square feet or 750 depending on the available lot area.
- The size of an ASDU will be determined by the size of the lot's "buildable pad area", which is the flat area of the lot and areas with slopes less than 50% (2:1). The original buildable pad area of a lot may not be increased by more than 20% through grading or use of retaining walls. Lots less than 5,000 square feet or with less than 5,000 sq. ft. of buildable pad area may not have an ASDU.
- Accessory Second Dwelling Units can be attached above, behind or below the primary residence, or, on larger lots, can be a detached single story unit behind the primary residence.
- The ASDU must be located and designed to be architecturally compatible with the existing home and not have a negative impact on adjacent homes.
- The subject property must be capable of providing screened on-site parking and private useable open space for both units.
- The property owner must live in one of the units that will exist on the lot.

It should be noted that the City requires the correction of certain nonconforming situations in conjunction with the construction of a new ASDU. "Nonconforming situation" means lawfully constructed structures or established uses on a property that met prior planning and building codes, but due to changes in the law or circumstances on the ground, no longer comply with current regulations. Structures that were unlawfully built (e.g. no building permit issued) must also be brought into conformance with current building codes or be removed. Property owners are advised to retain a qualified person (e.g., a State licensed/certified architect or civil engineer) who can determine whether existing structures comply with current building and zoning code standards before applying for a building permit for an ASDU. This is a benefit to you as the property owner and the City, ensuring that the primary dwelling and other existing structures are safe and meet current building and zoning standards.

2. Steps to Obtaining Approval of an Accessory Second Dwelling Unit

The following list is provided to allow you to check off each step after the applicable actions have been taken. You are encouraged to retain the services of an architect, civil engineer or other State-licensed/certified professional who can complete much of the following for you:



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- **STEP 1:** Check with the Planning and Building Department to make sure the primary dwelling and lot conform to applicable zoning and building laws and that all existing structures have the appropriate permits.
- **STEP 2:** Prepare a site plan of your property showing all existing structures and improvements and any slopes. Make an appointment with the Planning Division to review the site plan for compliance with the requirements for constructing an accessory second dwelling unit. The requirements are found in Chula Vista Municipal Code Section 19.58.022 – Accessory Second Dwelling Units, and are summarized below:

- **Permitted Zones** - The ASDU may be built on lots that have a primary residence and are zoned A, R-E, R-1, R-1-5, R-1-7, R-1-10, R-1-15, or P-C zoned lots designated for single-family dwellings in master-planned communities (see relevant planned community district regulations). Accessory second dwelling units cannot be built on lots zoned R-2 or R-3 (§19.58.022.C.1).
- **Unit Size** - The maximum gross floor area for an ASDU is determined by the following table (§19.58.022.C.2):

<u>Buildable Pad Area*</u>	<u>Maximum Gross Floor Area for ASDUs</u>
Less than 5,000 sq. ft.	Not permitted
5,000 - 9,999 sq. ft.	650 sq. ft. or 50% of primary residence, whichever is less
10,000 sq. ft. or greater	750 sq. ft. or 50% of primary residence, whichever is less

* The original buildable pad area may not be expanded by more than 20% through regarding or retaining walls and fill.

- **Unit Relation to Primary Residence** - The ASDU may be attached or detached, above or behind the primary single-family dwelling according to the following table (§19.58.022.C.3):

<u>Buildable Pad Area</u>	<u>Location of Unit</u>
Less than 5,000 sq. ft.	Not permitted
5,000 - 6,999 sq. ft.	Attached, above, or basement. (Detached not permitted)
7,000 sq. ft. or greater	Attached, above, or basement; or Detached, behind and on the same buildable pad

- **Unit Height** - An attached accessory second dwelling unit is subject to the same height limitation as the main or primary dwelling unit. Detached units may not exceed 15 feet. (§19.58.022.C.4).
- **Standard Zone Exceptions** – An ASDU shall comply with the underlying zoning development standards, with the following exceptions:
 - ❑ Second story ASDUs must be a minimum ten (10) feet from interior side or rear property lines. (§19.58.022.C.5.a)
 - ❑ For lots with up or down slopes, side and rear yard setbacks shall be measured from the top or toe of slope. (§19.58.022.C.5.b & c)
 - ❑ A detached accessory second dwelling unit shall be located a minimum of twelve (12) feet from a primary single-family dwelling unit (§19.58.022.C.3.a).



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- **Lot Coverage** - The ASDU and all other structures on the lot shall not exceed the lot coverage of the underlying zone, and cannot occupy more than thirty percent of the required rear yard (§19.58.022.C.6).
- **Access and Parking** – The ASDU and primary residence shall meet the following requirements:
 - ❑ On-site parking shall be provided according to the following (§19.58.022.C.7.a):
 - One standard sized (9' X 19') parking space for a studio, one- or two-bedroom unit; or
 - Two standard sized spaces for units with three or more bedrooms.
 - ❑ The off-street parking space(s) shall be on the same lot as the ASDU and is in addition to the parking requirement for the main dwelling unit. (§19.58.022.C.7.b)
 - ❑ If converting the garage of the primary residence for an ASDU, or no garage currently exists, a new garage must be provided. As part of the conversion any unnecessary driveway must be removed. (§19.58.022.C.7.c)
 - ❑ Access to required parking must be by street, alley or dedicated access easement. Access provided by a "panhandle" or an access easement must be a minimum 20 feet in width. (§19.58.022.C.7.d)
 - ❑ An existing driveway serving the primary residence may also serve as access to the ASDU parking space(s) if there is at least 50 feet in length from back of public sidewalk to the front of the primary residence, use of the driveway will not interfere with access to the primary residence's garage or parking spaces, and it is clear of any utility poles, meter guard rails or posts. (§19.58.022.C.7.f & g)
 - ❑ The ASDU parking space must be screened from public view with a fence, wall or landscaping acceptable to the Zoning Administrator. (§19.58.022.C.7.i)
 - ❑ A required parking space that is located between walls, or between a wall and a fence, must be a minimum 10 feet in width. If a required pedestrian walk passes along the side of this type of required space, the minimum width must be 12 feet.
- **Nonconforming Situations** – Except for the placement of the original primary residence, any nonconforming situations will have to be corrected at the time an ASDU is added to the property. This may impact parking, subsequent additions to the primary residence, or other accessory structures or uses on the site. (§19.58.022.C.8)
- **Utilities** - The accessory second dwelling unit must be served by the same water and sewer services that serve the primary dwelling unit. A separate electric meter and address may be provided for the accessory second unit (§19.58.022.C.9).
- **Design Standards** – To minimize the visual impact of an ASDU on the single family character of a neighborhood, the following list of design criteria has been included within §19.58.022:
 - ❑ The proposed ASDU must match the architectural style and materials of the primary residence in at least the following areas (§19.58.022.C.11.a):
 - Window and door type, style, design and treatment;
 - Roof style, pitch, color, material and texture;
 - Roof overhang and fascia size and width;
 - Attic vents color and style;
 - Exterior finish colors, texture and materials.
 - ❑ The entrance to the ASDU shall be located so as not to be clearly visible from the street providing access to the primary residence. (§19.58.022.C.11.b)
 - ❑ The primary residence shall retain or be provided a private rear yard open space area equal to 50% of the rear yard required by the underlying zone. This space must be directly



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- accessible from a common area (i.e. living room, family room etc.) of the primary residence. (§19.58.022.C.11.c)
- ☐ The ASDU must be provided with private open space having a minimum width of 6-feet in any direction, and 60 sq. ft. in total area. (§19.58.022.C.11.d)
 - ☐ A minimum 3-foot wide pedestrian walkway must be provided from the entrance to the ASDU along the most direct route to the street serving it. (§19.58.022.C.11.e)
 - ☐ Windows for a second story ASDU shall be arranged and oriented away from adjacent residences closer than 10 feet, and second story decks or balconies shall not be oriented toward neighboring backyards. (§19.58.022.C.11.f)
 - ☐ Trash and recycling containers must be stored in a location screened from public view, but not in minimally required open space areas.
- ☐ **Historical Sites** – Accessory Second Dwelling Units are allowed on designated historical site so long as they meet the following standards:
- ☐ The ASDU must be detached and behind the primary residence. (§19.58.022.C.13.a)
 - ☐ No historical accessory structures can be removed to make room for the ASDU. (§19.58.022.C.11.b)
 - ☐ The ASDU must match the architectural style of the primary residence. (§19.58.022.C.11.c)
 - ☐ The primary historic structure and any other site features that contribute to the historical context shall not be removed or altered. (§19.58.022.C.11.d)
 - ☐ If the site has a Mills Act agreement with the City, that agreement must include the addition of an ASDU or be amended to do so. (§19.58.022.C.11.e)
- ☐ **Inspections** – The property must be inspected by Planning Division staff prior to the issuance of a building permit and prior to the occupancy of the ASDU. (§19.58.022.C.14)
- ☐ **Owner Occupancy** – The owner of the property must live on the site at the time a building permit is applied for, and continuously thereafter. The Zoning Administrator may suspend that owner/occupancy requirement for up to 5 years under certain specific circumstances. (§19.58.022.C.15)
- ☐ **Land Use Agreement** – The owner of the property is required to sign an agreement acknowledging the use and occupancy requirements that will be applicable to the property. See Step 4 below. (§19.58.022.C.16)

If the property meets the above criteria, the property owner can proceed to the next step.

- ☐ **STEP 3:** Submit an application for a building permit along with the following:
- ☐ Four complete sets of fully dimensioned, to-scale plans which include all the following:
 - ☐ Title Sheet
 - ☐ Plot/Site Plan
 - ☐ Foundation Plan
 - ☐ Floor Plan (Show Mechanical/Electrical/Plumbing here)
 - ☐ Elevations
 - ☐ Roof Plan



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- ☐ Cross Sections
- ☐ Structural Framing Plans & Details
- ☐ Floor plans of all existing and proposed structures on the lot
- ☐ A set of color pictures clearly showing the architectural style and types of building materials used for all four sides of the existing primary residence.
- ☐ A copy of a grant deed, title report or other information necessary for the Planning Division to verify that the applicant is the owner/occupant of the existing primary residence.
- ☐ If the second unit is to be **attached** to the primary residence, Form 4611 New Single & Multi-Family Worksheet (attached), and Form 4597, Request To Waive Soils Investigation Report (attached), must be submitted with the building permit application.
- ☐ If the second unit is to be **detached** from the primary residence, Form 4611 and a certificate from a California registered geotechnical engineer stating that the site meets grading and soils requirements are required.

Two copies of:

- ☐ Title 24 Energy Compliance Documentation (Certificate of Compliance Sheets shall be reproduced on actual plan sheets)
 - ☐ Structural Calculations (If non-conventional framing)
 - ☐ Engineered truss layout & Details (If roof/floor trusses are used)
 - ☐ Single line diagram for electrical series over 200 amps
 - ☐ Owner and/or owner's representative contact information
 - ☐ A separate set of precise grading plans must be submitted to the City Engineer if the scale of grading and/or excavating exceeds the criteria specified in Form 5516 – "Limits to Grading Without A Permit",.
- ☐ **Step 4:** At the time the plans for an ASDU building permit are submitted, the applicant will be given an agreement prepared by the City describing the use and occupancy requirements that will be applicable to the property. Once the plan check process is complete and the building permit is ready to be issued, the property owner must have returned this agreement, properly signed and notarized, to the Planning and Building Department along with a check made out to the County Recorder. The County Recorder's fee for recording the agreement is currently \$17 for a four (4)-page document, plus \$3 for each additional page. The City of Chula Vista will take care of recording this agreement with the title to the property.



Glossary of Terms

"Above" as used in this section means an accessory second dwelling unit that is attached and built over a primary residence including an attached garage.

"Accessory second dwelling units" are independent living facilities of limited size that provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling according to the provisions of CVMC Section 19.58.022.C.

"Attached" means that 50% of the accessory second dwelling unit's wall, floor or ceiling will be shared with the primary residence on the property (Exhibit B.1).

"Behind" shall mean an accessory second dwelling unit constructed either entirely between the rear of the primary dwelling and the rear property line, or to the side of the primary residence but set back from the front plane of the primary residence at least 50 % the distance between the front and back planes of the primary residence. (Exhibit B.2).

"Buildable pad area" as used in this section means the level finish grade of the lot not including slopes greater than 50% grade (Exhibit B.3).

"Detached" means an accessory second unit separated from the primary residence as specified in CVMC Section 19.58.022.C.5.d.

"Gross floor area" as used in this section means those enclosed portions of the primary residence not including the garage or other attached accessory structures, such as covered but unenclosed patios, balconies, etc.

"Primary Residence" means the single-family dwelling constructed on a lot as the main permitted use by the zone on said parcel.

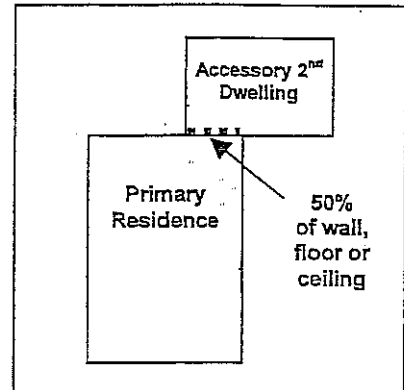


Exhibit B. 1 – "Attached"

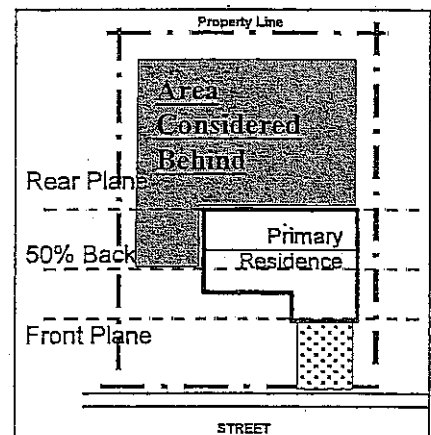


Exhibit B. 2 – "Behind"

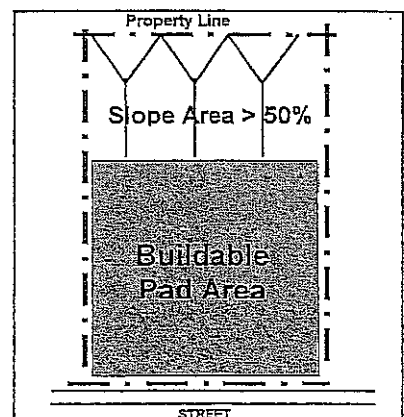


Exhibit B. 3 - "Buildable Pad Area"



**Accessory Second Dwelling Unit
Property Owner Agreement Form**

Version: July, 2007

Attached is the agreement for an Accessory Second Dwelling Unit (ASDU) that must be recorded on the title to any property once a building permit for an ASDU is issued. The property owner or their representative will be given this agreement at the time an application for a building permit is submitted. The property owner is responsible for filling out this agreement and taking it to a notary public to have their signature notarized.

Once the ASDU plans have been checked and City staff is ready to issue a building permit, this agreement must be returned to the Planning & Building Department with a separate check made out to the "County Recorder" for the recording fee. The fee for recordation is currently \$17 for a four-page document. Some properties with long legal descriptions may require additional pages that will add \$3 to the recording fee for every additional page necessary.

City staff will be able to issue the ASDU building permit at this point and the property owner will be able to begin construction while the City of Chula Vista City Clerk is recording the agreement.

RECORDING REQUESTED BY

City of Chula Vista
City Clerk
276 Fourth Avenue
Chula Vista, CA 91910

*This document benefits the property owner.
Recording fees are required.*

ABOVE SPACE FOR RECORDER'S USE ONLY

APN: _____

AGREEMENT FOR AN ACCESSORY SECOND DWELLING UNIT

THIS Agreement is made and entered into between the City of Chula Vista, a municipal corporation [the City], and _____
[Owner] [Parties] to construct and maintain an accessory second dwelling unit on Owner's hereinafter described real property.

Owner's real property is legally described as

and is commonly referred to as _____
[Property].

Owner desires to construct an accessory second dwelling unit as defined by the City in Chula Vista Municipal Code (CVMC) Section 19.58.022. In consideration of the permission granted by the City by the issuance of a building permit to construct an accessory second dwelling unit, I/we hereby agree that:

1. I/We are the owner(s) and occupant(s) of the existing (or to be constructed concurrently) primary residence located on the Property.
2. I/We shall continuously occupy either the primary unit or the accessory second dwelling unit as long as the unit that is not owner occupied is used or maintained as a separate dwelling unit. I/We will discontinue the residential use of the accessory second dwelling unit during any time that owner occupancy of the Property ceases, except as may be otherwise permitted by CVMC Section 19.58.022.C.15.
3. No other accessory living quarter, whether legally or illegally established, does now or shall ever exist on the Property.

4. No expansion of the accessory second dwelling unit or the primary dwelling unit shall occur, nor shall any other work on the Property be done that requires a ministerial or discretionary permit without first obtaining the required permit(s) from the City.
5. I/We will abide by all the requirements and standards of CVMC Section 19.58.022 which is incorporated herein by reference as it exists on the date of this agreement.

This Agreement shall run with the land for the life of the accessory second dwelling unit for the protection and benefit of the Parties concerned. If fee title to the Property or any partial interest therein is conveyed to any other person, firm, or corporation, the conveying instrument shall contain a restriction referencing this Agreement or restrictive language consistent with this Agreement. Any violation of this Agreement is grounds for the City, pursuant to CVMC Chapter 1.40, to revoke the use of the second unit for residential purposes, and may result in enforcement actions including penalties being imposed upon the Owner as prescribed in CVMC Chapter 1.20 and Chapter 1.41.

THE CITY OF CHULA VISTA

PROPERTY OWNER(S)

By _____

By: _____

Printed Name: _____

Title: Zoning Administrator

Printed
Name(s): _____

Date: _____

Date: _____

NOTE: OWNER'S SIGNATURE MUST BE NOTARIZED

STATE OF CALIFORNIA)
) S.S.
COUNTY OF SAN DIEGO)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal

Notary Public

(SEAL)